

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE 79-6 BY)
BOBBY AUSTIN)

O R D E R

THIS MATTER having come on for hearing upon the application of Bobby Austin for a Comprehensive Land Use Plan change from Urban Density and Commercial to Multiple Density and a Zone Change from RA (Residential Agriculture) to RD 3000 (Multiple Family Residential), by the Klamath County Planning Commission, on real property described as Township 39, Range 9, Section 8 being Tax Lot 1000. Public hearings having been heard by the Klamath County Planning Commission on March 27, 1979 and July 24, 1979, wherefrom the testimony, reports, and information produced at the hearing by the applicant, members of the Planning Department Staff and other persons in attendance, the Planning Commission recommended approval to the Board of County Commissioners. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on May 10, 1979, and on August 28, 1979, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete and it appears from testimony, reports and exhibits introduced at the hearing before the Planning Commission that the application for a change of Comprehensive Land Use Plan and Zone Change for the subject property, should be granted.

The Board of County Commissioners makes the following Findings of Fact and Conclusions of Law as required by Ordinance

1 No. 17, the Klamath County Zoning Ordinance:

2 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
3 CHANGE

4 1. The Board of Commissioners found that the land use
5 in the surrounding area varied enough, such as multiple density
6 use to the northeast, commercial use to the southwest and semi-
7 public to the east, so that proposed use, that being multiple
8 uses, doesn't appear to be in conflict with other uses.

9 2. The Board of Commissioners found site to be an addi-
10 tion to owner's property to which there has already been a Compre-
11 hensive Land Use Plan and Zone Change take place on, which is
12 similar and related to this Comprehensive Land Use Plan and Zone
13 Change. (See Zone Change 78-50).

14 3. The Board of Commissioners found site for change in
15 Comprehensive Land Use Plan and Zone to be approximately 1.6 acres
16 and will be an addition to applicant's property which was approved
17 by Board of Commissioners. (See Zone Change 78-50).

18 4. The Board of Commissioners found the site for the
19 proposed Comprehensive Land Use Plan change and Zone Change to be
20 located on the northside of Greensprings Drive and north of Reames
21 Golf Club, and therefore the site appeared to be in the appro-
22 priate area.

23 5. The Board of Commissioners found that the existing
24 Comprehensive Land Use Plan indicated there were other multiple
25 uses in the area, and therefore the proposed Comprehensive Land
26 Use Plan change and Zone Change will not have an effect on the
27 immediate and surrounding properties.

28 6. The Board of Commissioners found that per testimony

1 by the applicant, that there is a demand and need for such use,
2 that being multiple uses.

3 7. The Board of Commissioners found that the adjacent
4 property owners had been notified in order to give testimony thus
5 addressing L.C.D.C. Goal Number 1, Citizen Involvement.

6 8. The Board of Commissioners found that the site for
7 the change of Comprehensive Land Use Plan and Zone Change would
8 have positive impact on the economy in that the proposed project
9 would generate jobs in construction, thus addressing L.C.D.C. Goal
10 Number 9, the Economy of the State.

11 9. The Board of Commissioners found that a report on
12 housing need had been done by the Klamath Housing Authority, which
13 was submitted by the applicant and made part of the record, thus
14 addressing L.C.D.C. Goal Number 10, the Housing Goal.

15 10. The Board of Commissioners found that there were
16 some public facilities to the site, such as electricity, telephone
17 service, and also that once the applicant met DEQ standards, he
18 would have sanitary facilities at the site, thus addressing
19 L.C.D.C. Goal Number 11, Public Facilities.

20 11. The Board of Commissioners found that there was an
21 existing access to the site and that once the site for the Compre-
22 hensive Land Use Plan change to Urban Density and Zone Change to
23 RD 3,000 was developed, access could handle the type of traffic
24 that would be generated by the proposed use.

25 12. The Board of County Commissioners found that the
26 Green Springs Highway, being paved, appears to be able to carry
27 the kind of traffic that would be generated by the proposed use,
28 thus addressing L.C.D.C. Goal Number 12, Transportation.

1 13. The Board of County Commissioners found that the
2 site for the change of Comprehensive Land Use Plan to Urban
3 Density was within an urban area, thus addressing L.C.D.C. Goal
4 Number 14, Urbanization.

5 CONCLUSIONS OF LAW FOR THE COMPREHENSIVE LAND USE
6 PLAN CHANGE

7 1. The property affected by the change of Comprehensive
8 Land Use Plan is adequate in size and shape to facilitate those
9 uses normally allowed in conjunction with such zoning;

10 2. The property affected by the proposed change of
11 Comprehensive Land Use Plan is properly related to streets and
12 highways to adequately serve the type of traffic generated by
13 such uses that may be permitted therein;

14 3. The proposed change of Comprehensive Land Use Plan
15 will have no adverse effect or only limited adverse effect on any
16 property or the permitted uses thereof within the affected areas.

17 4. That the proposed change of Comprehensive Land Use
18 Plan is in keeping with land uses and improvements, trends in land
19 development, density of land development, and prospective needs
20 for development in the affected area.

21 5. That the proposed change of Comprehensive Land Use
22 Plan is in keeping with any land use plans duly adopted and does,
23 in effect, represent the highest, best and most appropriate use
24 of the land affected.

25 FINDINGS OF FACT FOR THE ZONE CHANGE:

26 1. The Board of Commissioners found that the land use
27 in the surrounding area varied enough, such as multiple density
28 use to the northeast, commercial use to the southwest and semi-

1 public to the east, so that proposed use, that being multiple uses
2 don't appear to be in conflict with other uses.

3 2. The Board of Commissioners found site to be an addi-
4 tion to owner's property to which there has already been a Compre-
5 hensive Land Use Plan and Zone Change take place on, which is
6 similar and related to this Comprehensive Land Use Plan and Zone
7 Change. (See Zone Change 78-50).

8 3. The Board of Commissioners found site for change in
9 Comprehensive Land Use Plan and Zone to be approximately 1.6 acres
10 and will be an addition to applicant's property which was approved
11 by Board of Commissioners. (See Zone Change 78-50).

12 4. The Board of Commissioners found the site for the
13 proposed Comprehensive Land Use Plan change and Zone Change to be
14 located on the northside of Greensprings Drive and north of Reames
15 Golf Club, and therefore the site appeared to be in the appro-
16 priate area.

17 5. The Board of commissioners found that the existing
18 Comprehensive Land Use Plan indicated there were other multiple
19 uses in the area, and therefore the proposed Comprehensive Land
20 Use Plan change and Zone Change will not have an effect on the
21 immediate and surrounding properties.

22 6. The Board of Commissioners found that per testimony
23 by the applicant, that there is a demand and need for such use,
24 that being multiple uses.

25 7. The Board of Commissioners found that the adjacent
26 property owners had been notified in order to give testimony thus
27 address L.C.D.C. Goal Number 1, Citizen Involvement.

28 8. The Board of Commissioners found that the site for

1 the change of Comprehensive Land Use Plan and Zone Change would
2 have positive impact on the economy in that the proposed project
3 would generate jobs in construction, thus addressing L.C.D.C. Goal
4 Number 9, the Economy of the State.

5 9. The Board of Commissioners found that a report on
6 housing need had been done by the Klamath Housing Authority, which
7 was submitted by the applicant and made part of the record, thus
8 addressing L.C.D.C. Goal Number 10, the Housing Goal.

9 10. The Board of Commissioners found that there were
10 some public facilities to the site, such as electricity, telephone
11 service, and also that once the applicant met DEQ standards, he
12 would have sanitary facilities at the site, thus addressing
13 L.C.D.C. Goal Number 11, Public Facilities.

14 11. The Board of Commissioners found that there was an
15 existing access to the site and that once the site for the Compre-
16 hensive Land Use Plan change to Urban Density and Zone Change to
17 RD 3,000 was developed, access could handle the type of traffic
18 that would be generated by the proposed use.

19 12. The Board of County Commissioners found that the
20 Green Springs Highway, being paved, appears to be able to carry
21 the kind of traffic that would be generated by the proposed use,
22 thus addressing L.C.D.C. Goal Number 12, Transportation.

23 13. The Board of County Commissioners found that the
24 site for the change of Comprehensive Land Use Plan to Urban
25 Density was within an urban area, thus addressing L.C.D.C. Goal
26 Number 14, Urbanization.

27 CONCLUSIONS OF LAW FOR THE ZONE CHANGE:

28 1. The property affected by the Zone Change is adequate

1 in size and shape to facilitate those uses normally allowed in
2 conjunction with such zoning;

3 2. The property affected by the proposed change of zone
4 is properly related to streets and highways to adequately serve
5 the type of traffic generated by such uses that may be permitted
6 therein;

7 3. The proposed change of zone will have no adverse
8 effect or only limited adverse effect on any property or the per-
9 mitted uses thereof within the affected area.

10 4. That the proposed change of zone is in keeping with
11 land uses and improvements, trends in land development, density of
12 land development, and prospective needs for development in the
13 affected area.

14 5. That the proposed change of zone is in keeping with
15 any land use plans duly adopted and does, in effect, represent the
16 highest, best and most appropriate use of the land affected.

17 NOW, THEREFORE, it is hereby ordered that the applica-
18 tion for the Comprehensive Land Use Plan change from Urban Density
19 and Commercial General to Multiple Density and zone change from
20 RA (Residential Agriculture) to RD 3000 (Multiple Family Residen-
21 tial) for Bobby Austin on the subject property is hereby granted.

22 DONE AND DATE THIS 3rd DAY OF December 1979.

23 Harold L. Kynne
24 Chairman

25 Alvin P. Leeper
26 Member

27 Ree Luonen
28 Member

27 APPROVED AS TO FORM:
Boivin, Boivin & Aspell

28 BY: Robert Boivin

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STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 5th day of
December A.D., 1979 at 10:23 o'clock A M., and duly recorded in Vol. M79,
of Deeds on Page 28124.

FEE None

Commissioners Journal

WM. D. MILNE, County Clerk

By Ernest A. Ketch Deputy